

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**IN RE JOHNSON & JOHNSON TALCUM  
POWDER PRODUCTS MARKETING,  
SALES PRACTICES, AND PRODUCTS  
LIABILITY LITIGATION**

LOLA MENEFIELD, INDIVIDUALLY AND ON  
BEHALF OF THE ESTATE OF  
KIMBERLY MENEFIELD,

Plaintiff,

v.

JOHNSON & JOHNSON, INC., JOHNSON &  
JOHNSON CONSUMER, INC.

Defendants.

**MDL NO. 16-2738 (FLW) (LHG)  
JUDGE FRED A. L. WOLFSON  
MAG. JUDGE LOIS H. GOODMAN**

COMPLAINT AND JURY DEMAND

Civil Action No.: 03:21-CV-18827

DIRECT FILED ACTION

**SHORT FORM COMPLAINT AND JURY DEMAND**

The Plaintiff named below files this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff incorporates by reference the allegations contained in *Plaintiffs' Master Long Form Complaint In re: Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2738 in the United States District Court for the District of New Jersey. Plaintiff files this Short Form Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiff shall add and include them herein.

**IDENTIFICATION OF PARTIES**

**Identification of Plaintiff**

1. Name of individual injured due to the use of talcum powder product(s): Kimberly Menefield.
2. At the time of the filing of the specific case, Plaintiff, Lola Menefield, is a citizen of Cleveland, Ohio
3. Consortium Claim(s): N/A.
4. Survival and/or Wrongful Death Claims: Name and residence of Decedent Plaintiff when she suffered the talcum powder product(s) related death: Kimberly Menefield, 9507 Empire Avenue, Cleveland, Ohio 44108.
5. Decedent was born on July 08, 1968 and died on April 17, 2020.
6. Plaintiff is filing this case in a representative capacity as the personal representative of the Estate of Kimberly Menefield, Cleveland, Ohio 44108.
7. As a result of using talcum powder product(s), Decedent suffered personal and economic injuries that are alleged to have been caused by the use of the product(s) identified in Paragraph 16 below, but not limited to, the following:

_____	injury to herself
<u>X</u> _____	injury to the person represented
<u>X</u> _____	wrongful death
<u>X</u> _____	survivorship action
<u>X</u> _____	economic loss
<u>X</u> _____	loss of services
_____	loss of consortium

\_\_\_\_\_ other: \_\_\_\_\_

**Identification of Defendants**

8. Plaintiff is suing the following Defendants<sup>1</sup>

- ☒ Johnson & Johnson
- ☒ Johnson & Johnson Consumer Inc.
- ☐ Imerys Talc America, Inc. (“Imerys Talc”)
- ☐ Personal Care Products Council (“PCPC”)

**Additional Defendants:**

- ☐ Other(s) Defendant(s) (please specify): N/A

**JURISDICTION & VENUE**

**Jurisdiction:**

9. Jurisdiction in this Short Form Complaint is based on:

- ☒ Diversity of Citizenship
- ☐ Other (The basis of any additional ground for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure).

**Venue:**

10. District Court and Division (if any) in which venue was proper where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court and to where remand could be ordered by the Judicial Panel for trial: The United

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<sup>1</sup> If additional Counts and/or Counts directed to other Defendants are alleged by the specific Plaintiff as to whom this *Short Form Complaint* applies, the specific facts supporting these allegations must be pleaded by the Plaintiff in a manner complying with the requirements of the Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to this *Short Form Complaint*.

States District Court for the Northern District of Ohio.

**CASE SPECIFIC FACTS**

11. Plaintiff currently resides in Cleveland, Ohio.
12. At the time of the Decedent's diagnosis with a talcum powder product(s) injury, Decedent resided in Cleveland, Ohio.
13. The Decedent was diagnosed with a talcum powder product(s) injury in Cleveland, Ohio on or about December of 2017.
14. To the best of Plaintiff's knowledge, Decedent began using talcum powder product(s) on or about 1995 and continued the use of talcum powder product(s) through about the 2017.
15. The Decedent purchased talcum powder product(s) in the state of Ohio.
16. Decedent used the following talcum powder product(s):

- ☒ Johnson & Johnson's Baby Powder
- ☐ Shower to Shower

**CAUSES OF ACTION**

17. Plaintiff hereby adopts and incorporates by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.
18. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by reference by Plaintiff:
  - ☐ Count I: Products Liability – Strict Liability – Failure to Warn (Against Imerys Talc)
  - ☒ Count II: Products Liability – Strict Liability – Failure to Warn (Against the Johnson & Johnson Defendants)
  - ☐ Count III: Products Liability – Strict Liability – Defective Manufacturer and Design

(Against Imerys Talc)

- ☒ Count IV: Products Liability – Strict Liability – Defendant Manufacturer and Design (Against the Johnson & Johnson Defendants)
- ☒ Count V: Breach of Express Warranties (Against the Johnson & Johnson Defendants)
- ☒ Count VI: Breach of Implied Warranty of Merchantability (Against the Johnson & Johnson Defendants)
- ☒ Count VII: Breach of Implied Warranty of Fitness for a Particular Purpose (Against the Johnson & Johnson Defendants)
- ☐ Count VIII: Negligence (Against Imerys Talc)
- ☒ Count IX: Negligence (Against the Johnson & Johnson Defendants)
- ☐ Count X: Negligence (Against PCPC)
- ☒ Count XI: Negligent Misrepresentation (Against the Johnson & Johnson Defendants)
- ☒ Count XII: Fraud (Against the Johnson & Johnson Defendants)
- ☐ Count XIII: Fraud (Against PCPC)
- ☒ Count XIV: Violation of State Consumer Protection Laws of the State of New York (Against the Johnson & Johnson Defendants)
- ☐ Count XV: Fraudulent Concealment (Against Imerys Talc)
- ☒ Count XVI: Fraudulent Concealment (Against the Johnson & Johnson Defendants)
- ☐ Count XVII: Fraudulent Concealment (Against PCPC)
- ☒ Count XVIII: Civil Conspiracy (Against All Defendants)

- ☐ Count XIX: Loss of Consortium (Against All Defendants)
- ☒ Count XX: Punitive Damages (Against All Defendants)
- ☒ Count XXI: Discovery Rule and Tolling (Against All Defendants)
- ☒ Count XXII: Wrongful Death (Against All Defendants)
- ☒ Count XXIII: Survival Action (Against All Defendants)

Furthermore, Plaintiff, Lola Menefield, asserts the following additional theories and/or State Causes of Action against Defendants identified in Paragraph nine (9) above. If Plaintiff includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff in a manner complying with the requirements of the Federal Rules of Civil Procedure.

**WHEREFORE**, Plaintiff, Lola Menefield, prays for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit, and such further relief as the Court deems equitable and just, and as set forth in the Master Long Form Complaint as appropriate.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury as to all claims in this action.

Respectfully Submitted by,

/s/Fletcher V. Trammell

***Counsel for Plaintiff***

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